

# Freeborn & Peters LLP

October 1, 2010

**By Fax (312) 782-0943**

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RE: Honor the Chief Society, Inc. -- Service Mark Application for CHIEF  
ILLINIWEK and Other Trademark Matters

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Dear Mr. Bolin:

We represent the University of Illinois. We are contacting you with respect to several matters related to the use by your client, the Honor the Chief Society, Inc. (the "Society"), of the "Chief Illiniwek" name and other trademarks of the University of Illinois.

*Chicago*

*Springfield*

We note that you filed an application (Serial No. 77/784714) on behalf of the Society to register the mark CHIEF ILLINIWEK in the United States Patent and Trademark Office ("USPTO") in connection with: "Dance events; Dance reservation services, namely, arranging for admission to dance events; Entertainment and education services in the nature of live dance and musical performances; Entertainment and educational services, namely, the presentation of seminars, lectures, workshops and panel discussions, and ongoing television and radio talk shows all in the field of public interest concerning Native American culture; Entertainment in the nature of dance performances; Entertainment in the nature of visual and audio performances, namely, musical band, rock group, gymnastic, dance, and ballet performances; Organization of dancing events; Organizing community festivals featuring a variety of activities, namely, art exhibitions, heritage markets, ethnic dances, and the like; Organizing community festivals featuring a variety of activities, namely, sporting events, art exhibitions, flea markets, ethnic dances and the like; Organizing community sporting and cultural events."

We further note that the Society's website offers various merchandise using the name "Chief Illiniwek" and the "ILLINI" trademark. Specifically, we note that the Society's website is offering posters using the "Chief Illiniwek" name (i.e., "Chief Illiniwek Poster – Memorial Stadium" and "Chief Illiniwek Poster – Assembly Hall") and a pin using the "Chief Illiniwek" name (i.e., "Chief Illiniwek Pin") and bearing the ILLINI trademark. A print-out of the web page showing this merchandise is attached for your reference.

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The University of Illinois did not authorize the use of the Chief Illiniwek name or the ILLINI trademark in connection with the sale of these items by the Society. The CHIEF ILLINIWEK name has been associated with the University of Illinois since 1926, and the University of Illinois has used the CHIEF ILLINIWEK name and related marks as trademarks in connection with numerous goods and services. Any use of the CHIEF ILLINIWEK mark or other trademarks of the University of Illinois by the Society in connection with the services listed in its application or the merchandise offered on its website will cause confusion as to the source of such services or goods. Such use will also cause the public to mistakenly associate the use of the CHIEF ILLINIWEK mark and other trademarks of the University of Illinois in connection with such services and goods with the University of Illinois or mistakenly believe that the University of Illinois has licensed, sponsored or otherwise approved of the Society's services and goods.

Lastly, we note that the Society's website refers to "booking information for a Chief Illiniwek performance" and the website reprints the Students for Chief Illiniwek press release which includes the statement: "Chief Illiniwek XXXVIII, UI Sophomore Ivan Dozier will address the media..." Copies of the web pages with these references are attached for your reference. These references are false and misleading because the University of Illinois has not authorized these performances or appearances.

Therefore, the Society's use or registration of the CHIEF ILLINIWEK name and other trademarks of the University of Illinois as described above constitutes infringement of the University of Illinois' common law trademark rights in violation of federal law (15 U.S.C. § 1125(a)) and applicable state law; trademark dilution under federal law (15 U.S.C. § 1125(c)) and applicable state law; and, unfair competition and false association under federal law (15 U.S.C. § 1125(a)) and applicable state law.

Accordingly, we hereby demand that the Society:

1. Withdraw trademark application Serial No. 77/136902;
2. Remove the reference to the "Chief Illiniwek" name in connection with the posters and pin offered on the Society's website;
3. Cease and desist from sale of the pin bearing the ILLINI trademark;
4. Remove the references on the Society's website to performances or appearances by "Chief Illiniwek" and cease and desist from any similar statements;

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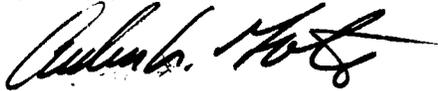
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5. Provide us with written assurances that the Society will not use, and will cease any use of, the "Chief Illiniwek" name or other trademarks of the University of Illinois on its website, in connection with any goods or services, or in any other manner that will be likely to cause confusion with the University of Illinois.

We remain hopeful that this matter can be resolved amicably. However, please be advised that if your client does not comply with the above demands, we will oppose application Serial No. 77/784714 and take such other legal actions as are necessary to protect the "Chief Illiniwek" name and the University of Illinois' other trademarks.

We look forward to your response.

Very truly yours,



Andrew L. Goldstein

ALG

cc: Steven A. Veazie, Esq., Office of University Counsel



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### Chief Illiniwek Poster-Memorial Stadium

A limited-edition poster has been created from an outstanding image of Chief Illiniwek Kyle Cline by photographer Mark Jones



**\$10.00**

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[FAQ: The Society](#)

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### Chief Illiniwek Poster-Assembly Hall

A limited-edition poster has been created from an outstanding image of the Chief Illiniwek Kyle Cline by photographer Mark Jones.



**\$10.00**

### The Chief: The Last Dance? DVD

Explore the tradition of the Chief through this masterful creation of sight and sound. Included came to be known as the "Three in One"...a stirring halftime tradition that has remained intact since 1926. DVD



**\$25.00**

### Chief Illiniwek Pin

This quality pin features the chief in the classic Illini spirit pose. Proudly display your Illini spirit no matter what the occasion or attire. Orange enamel pin depicts Chief with arms raised; "Illini" printed below figure.

**\$10.00**



### Gift Memberships

Purchase a membership in the Honor the Chief Society for a friend or fellow alumni

**\$25.00**



All Prices include postage, handling, and sales tax. To order merchandise by mail, or to get additional information, call Jean at (217) 356-3086, or contact:

Honor the Chief Society,  
Inc.  
P.O. Box 7144  
Champaign, IL 61826-7144

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It is important that you let the University of Illinois Board of Trustees and Governor Quinn know about your interest in restoring the Chief Illiniwek tradition at the University of Illinois.

To add your voice to those who have publicly supported the Chief Illiniwek tradition, send a brief e-mail message to:

UI Board of Trustees  
c/o  
Dr. Michele M. Thompson  
Secretary for the UI Board of Trustees  
mthompsn@uillinois.edu (mailto:mthompsn@uillinois.edu)

Governor Patrick Quinn  
governor@state.il.us (mailto:governor@state.il.us)



If you would like to further spread awareness in your community about the history and richness of the Chief Illiniwek tradition, please contact the Honor the Chief Society for booking information for a Chief Illiniwek performance or informational presentation by the current portrayer of the tradition. For further information, contact the Honor the Chief Society at (217) 356-3086, by mail at P.O. Box 11472, Champaign, IL 61826-1472, or e-mail [support@HonorTheChief.org](mailto:support@HonorTheChief.org).

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## Students for Chief Illiniwek

FOR IMMEDIATE RELEASE:

**Council of Chiefs to Announce Chief Illiniwek XXXVIII Monday**  
 UI Sophomore sees Chief as education tool on Native Culture

The Progressive Registered Student Organization Students for Chief Illiniwek announces its sponsorship of a major announcement by the Council of Chiefs, a group of Alumni who portrayed the Chief Illiniwek symbol as students at the University of Illinois, on Monday, May 3<sup>rd</sup>, at 11 AM at the Alma Mater Statue at the Urbana campus. Chief Illiniwek XXXVIII, UI Sophomore Ivan Dozier will address the media on his role portraying the Chief and will ceremonially accept the Illiniwek regalia from current portrayer Logan Ponce.

Dozier, of Ivesdale, Illinois, will be assisted by Katie Birkel of Peoria, Illinois—the first woman to portray Illiniwek since Idell Stith Brooks filled the role as “Princess Illiniwek” during World War II. Dozier stated his hopes to bring fresh perspective to the Chief dialogue. “I hope to use the chief to educate people about Native culture,” he said. Education on Native culture is important to Dozier, who is half Cherokee through his father, and he hopes to establish a working relationship with the University’s Native American House, which has vehemently opposed the tradition in the past.

At Monday’s event both Dozier and Birkel will address their hopes for the future of the Chief Illiniwek tradition as well as efforts to further educate students on campus about the tradition’s roots and importance to the University. Dozier expressed his dismay at the Chief’s removal from the campus. “To see that taken away, it’s like taking away some of the glue that holds our great institution together: it seems like there’s less unity on campus with the Chief gone.”

For further information contact Logan Ponce (630) 362-0736 or [studentsforchief@gmail.com](mailto:studentsforchief@gmail.com)

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